

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

RUSSELL T. BROWN,

Plaintiff,

v.

Case No: 8:20-cv-575-CEH-SPF

WINTER HAVEN HOSPITAL, INC.,

Defendant.

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**ORDER**

This matter comes before the Court upon the Motion for Substitution of Party Under Fed. R. Civ. P. 25(a) [Doc. 38], filed on April 1, 2021. In the motion, Patricia Brito, as Personal Representative of the Estate of Russell Theodore Brown, has requested the Court substitute her in her representative capacity, as party plaintiff, in lieu of Russell T. Brown, M.D. *Id.* at p. 2. The motion is not opposed. *Id.*

Pursuant to Rule 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative.” Fed. R. Civ. P. 25(a)(1). A Suggestion of Death for the death of Plaintiff, Russell T. Brown, M.D. was filed on December 17, 2020 [Doc. 32]. Ms. Brito has moved for substitution, representing that the Probate Division of the Circuit Court in and for Polk County, Florida has appointed her as the Personal Representative of the Estate of Russell Theodore Brown [Doc. 38 ¶ 2]. Substitution is therefore proper in this case.

Accordingly, it is hereby ORDERED:

1. Plaintiff's Motion for Substitution of Party Under Fed. R. Civ. P. 25(a) [Doc. 38] is granted. Patricia Brito, as Personal Representative of the Estate of Russell Theodore Brown, is hereby substituted as the plaintiff in this action. The Clerk of Court is directed to correct the caption and style of the case.
2. Additionally, the Clerk is directed to re-open this case.
3. Given the delay associated with the need to substitute plaintiff, the parties shall file an amended Case Management Report, utilizing the Court's Uniform Case Management Report, which can be found on the court's website at <https://www.flmd.uscourts.gov/forms/all>. The Uniform Case Management Report shall be filed on or before **May 7, 2021**. Thereafter, the Court will enter an amended Case Management and Scheduling Order, which sets forth new pretrial and trial deadlines.

**DONE AND ORDERED** in Tampa, Florida on April 22, 2021.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
Counsel of Record and Unrepresented Parties, if any